

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

MAR 29 2001

BY _____
DEPUTY CLERK

PHILIP RAY WORKMAN,)
Plaintiff,)

V.)

DON SUNDQUIST, Governor of the State)
of Tennessee; PAUL SUMMERS, Attorney)
General for the State of Tennessee,)
DONAL CAMPBELL, Commissioner of)
the Tennessee Department of Corrections;)
and RICKY BELL, Warden of Riverbend)
Maximum Security Institution; in their)
official capacities,)
Defendants.)

Civil No. **3rd 01 0295**
JURY DEMAND

JUDGE CAMPBELL
DEATH PENALTY CASE
Execution set for 1 a.m. on March 30, 2001

COMPLAINT

I. INTRODUCTION

1. Despite the fact that the Inter-American Commission on Human Rights [IACHR] has issued precautionary measures requesting that his life and physical integrity be maintained until the IACHR has time to examine his case for possible human rights violations, Philip Workman is scheduled for execution at 1:00 a.m. on March 30, 2001. Mr. Workman now sues the defendants to prevent a violation of his Constitutional rights and those rights guaranteed to him through various treaties and customary international law.

II. JURISDICTION

5. Plaintiff, Philip Workman, respectfully invokes this Court's jurisdiction under 28 U.S.C. §§ 1331, 1332, 1336, 1367, 2201, 2202 and 42 U.S.C. § 1983.

III. EXHAUSTION REQUIREMENT

6. Plaintiff avers that there are no administrative remedies available to him, and therefore he has fulfilled the requirements of 42 U.S.C. § 1997e (a).

IV. THE PARTIES

7. Plaintiff, Philip Workman, is a death-sentenced inmate. In 1982, he was convicted of first-degree felony murder and sentenced to death by the Criminal Court in Shelby County, Tennessee. He is presently incarcerated at the Riverbend Maximum Security Institution in Nashville, Tennessee.
8. Defendant Sundquist is the Governor of the State of Tennessee. Plaintiff sues him in his official capacity as he has the ability to stop Mr. Workman's execution.
9. Defendant Summers is the Attorney General for the State of Tennessee. Plaintiff sues him in his official capacity as he is the State of Tennessee's top legal counsel.
10. Defendant Campbell is the Commissioner of the Tennessee Department of Corrections. Plaintiff sues him in his official capacity as he has the ability to stop Mr. Workman's execution.
11. Defendant Bell is the Warden at Riverbend Maximum Security Institution. Plaintiff sues him in his official capacity as he has the ability to stop Mr. Workman's execution.

V. VENUE

12. Venue is established pursuant to 28 U.S.C. § 1391 (b)(2).

VI. FACTUAL ALLEGATIONS

13. Philip Workman is scheduled to be executed at 1:00 a.m. on March 30, 2001.
14. Mr. Workman has petitioned the IACHR requesting an investigation into human rights violations surrounding his conviction and death sentence.

15. The IACHR is an autonomous organ of the Organization of American States (OAS) charged with the promotion and protection of human rights within the member states. *Inter alia*, the IACHR receives and processes petitions from individuals alleging human rights violations perpetrated by member states.
16. The United States of America is a member of the OAS and is bound by treaty to comply with mandates issued by the IACHR.
17. The IACHR has officially opened a case and will be investigation the existence of human rights violations surrounding Plaintiff's conviction and death sentence. Further, in opening a case to investigate the existence of these human rights violations, the IACHR issued a request for precautionary measures to the United States Department of State on January 22, 2001.
18. The IACHR specifically asked in requesting precautionary measures from the United States of America that "all necessary measures to preserve Mr. Workman's life and physical integrity [be taken] so as not to hinder the processing of his case before the Inter-American system."
19. On March 28, 2001, the IACHR reiterated that request that "precautionary measures be adopted to avoid irreparable harm to Mr. Workman's life until the Commission decides upon the claim filed on his behalf."

VII. CLAIMS FOR RELIEF

20. Plaintiff incorporates herein paragraphs 1-19 in their entirety.
 - a. Plaintiff's rights to substantive due process and procedural fairness guaranteed under the Fourteenth Amendment of the United States Constitution will be violated if his execution is allowed to proceed before he has had an opportunity to

avail himself of the remedies available to him in the Inter-American system.

- b. All of the named defendants will violate the Supremacy Clause of the United States Constitution, Article VI, clause 2, if they allow Mr. Workman's execution to proceed in violation of the OAS Charter, the American Declaration of the Rights and Duties of Man (incorporated into the OAS Charter as a basis for the IACHR to determine what constitutes the basic human rights guaranteed to all citizens of the member states), the American Convention on Human Rights, and customary international law.

21. Plaintiff incorporates Plaintiff incorporates herein paragraphs 1-20 in their entirety.

- a. Plaintiff Philip Workman's rights to substantive due process and procedural fairness guaranteed under Article I, § 8 of the Tennessee Constitution will be violated if his execution is allowed to proceed before he has had an opportunity to avail himself of the remedies available in the Inter-American system.
- b. Plaintiff's rights guaranteed under the Open Courts provision of the Tennessee Constitution, Article I, § 17, will be violated if his execution is allowed to proceed before he has had an opportunity to avail himself of the remedies available in the Inter-American system.

VIII. RELIEF SOUGHT


22. Plaintiff respectfully requests that this Court enjoin the defendants from carrying out his death sentence until he has had an opportunity to avail himself of all remedies of the Inter-American system on human rights and, then, only allow the death sentence to proceed only if it is lawful at that time.

23. Plaintiff requests that this court grant attorneys fees and expenses to his counsel.
24. Plaintiff would also ask that this Court grant any other relief deemed appropriate.

Respectfully submitted,

A handwritten signature in cursive script, reading "Donald E. Dawson", followed by a horizontal line.

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A handwritten signature in cursive script, reading "Marjorie A. Bristol", followed by a horizontal line.

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